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**Ohio Association of Ambulatory Surgery Centers  
Legislative Update**

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- HB90**     **OVERSIGHT OF GOVERNOR'S AND HEALTH ORDERS** (WIGGAM S, EDWARDS J) To establish legislative oversight of the Governor's executive orders, certain public health orders, and emergency rules, including by establishing the Ohio Health Oversight and Advisory Committee.  
*Current Status:* 2/24/2021 - **SUBSTITUTE BILL ACCEPTED**, House State and Local Government, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-90>
- HB110**     **OPERATING BUDGET** (OELSLAGER S) To make operating appropriations for the biennium beginning July 1, 2021, and ending June 30, 2023, to levy taxes, and to provide authorization and conditions for the operation of state programs.  
*Current Status:* 7/1/2021 - **SIGNED BY GOVERNOR**; effective 7/1/21  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-110>
- HB122**     **TELEHEALTH SERVICES** (FRAIZER M, HOLMES A) To establish and modify requirements regarding the provision of telehealth services, to establish a provider credentialing program within the Medicaid program, to revise the law governing the State Medical Board's One-Bite Program, and to extend the suspension of certain programs and requirements under the state's insurance laws until January 1, 2026.  
*Current Status:* 12/22/2021 - **SIGNED BY GOVERNOR**; eff. 3/23/22  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-122>
- HB160**     **HEALTH CARE COST ESTIMATES** (HOLMES A) Regarding the provision of health care cost estimates.  
*Current Status:* 3/10/2021 - House Insurance, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-160>
- HB196**     **REGULATE SURGICAL ASSISTANTS** (KELLY B, CARRUTHERS S) To regulate the practice of surgical assistants.  
*Current Status:* 12/13/2022 - Referred to Committee Senate Health  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-196>



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- HB218 COVID-19 VACCINE - QUALIFIED IMMUNITIES** (CUTRONA A) To address medical requirements for employees and students; to address qualified civil immunity regarding certain coronaviruses; to authorize emergency medical technicians to administer COVID-19 tests; to expressly cover COVID-19 vaccine injuries under the workers' compensation system; and to repeal sections 3792.05, 3792.07, and 3792.08 of the Revised Code on September 30, 2025.  
*Current Status:* 12/7/2021 - Senate General Government Budget, (Second Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-218>
- HB267 LIMIT PUBLIC HEALTH ORDERS** (JORDAN K) To limit the duration of public health orders and to allow the General Assembly to act via concurrent resolution in response to a public health emergency if the Governor or Department of Health does not.  
*Current Status:* 5/4/2021 - Referred to Committee House State and Local Government  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-267>
- HB356 REDUCE ABUSE OF PRESCRIPTION OPIOIDS** (LOYCHIK M, BIRD A) Regarding a proposal to reduce the abuse of prescription opioids, to establish addiction treatment facilities, to increase penalties for drug trafficking violations, to modify penalties for drug possession, to require an offender convicted of a drug possession or drug trafficking offense involving certain drugs to be subject to ten years of post-release control, to allow a criminal defendant who has a severe substance use disorder involving certain drugs to be confined by a state detoxification provider while awaiting trial, to create restitution work programs, and to make an appropriation.  
*Current Status:* 4/6/2022 - House Criminal Justice, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-356>
- HB388 REGARDING VACCINE REFUSAL** (JORDAN K) To prohibit taking certain actions against an individual because the individual refuses to be vaccinated against a disease.  
*Current Status:* 8/12/2021 - Introduced  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-388>



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- HB401 EMPLOYER-MANDATED COVID VACCINATION INJURY** (EDWARDS J) To exempt an injury or disability caused by an employer-mandated COVID-19 vaccination from the Workers' Compensation Law and to allow the employee to sue the employer for damages.  
*Current Status:* 8/24/2021 - Introduced  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-401>
- HB411 INDIVIDUAL PRIVACY, ANTI-DISCRIMINATION ACT** (CLICK G, GRENDALL D) To prohibit mandatory disclosures related to an individual's COVID-19 vaccination status, to name the act the Individual Privacy and Anti-Discrimination Act, and to declare an emergency.  
*Current Status:* 9/8/2021 - Introduced  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-411>
- HB424 COVID-19 VACCINE - QUALIFIED IMMUNITIES** (KOEHLER K) To prohibit a political subdivision, public official, public school, state agency, or state institution of higher education from taking certain actions related to the COVID-19 vaccine, to codify the qualified civil immunities under H.B. 606 of the 133rd General Assembly permanently, to repeal section 3792.05 of the Revised Code on the date that is two years after the effective date of that section, and to declare an emergency.  
*Current Status:* 9/20/2021 - Introduced  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-424>
- HB425 COVID-19 - GENETIC TECHNOLOGIES** (WIGGAM S, HALL T) To prohibit certain actions related to COVID-19 and genetic technologies.  
*Current Status:* 9/20/2021 - Introduced  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-425>



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- HB435 VACCINE REQUIREMENTS** (CARFAGNA R, SEITZ B) To address COVID-19 vaccine requirements for employees and students; to extend certain timelines for qualified civil immunity and expand immunity to include hearing aid dealers and hearing aid fitters; to authorize emergency medical technicians to administer COVID-19 tests; to expressly cover COVID-19 vaccine injuries under the workers' compensation system; and to repeal sections 3792.05, 3792.06, 3792.07, and 3792.08 of the Revised Code on June 30, 2023.  
**Current Status:** 10/13/2021 - Bills for Third Consideration; (Pending Committee Report)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-435>
- HB454 SAFE ACT** (CLICK G, GRENDLELL D) To prohibit certain procedures to alter a minor child's sex and to designate this act as the Save Adolescents from Experimentation (SAFE) Act.  
**Current Status:** 11/16/2022 - **SUBSTITUTE BILL ACCEPTED & AMENDED**, House Families, Aging and Human Services, (Fifth Hearing)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-454>
- HB477 EXPULSION, TERMINATION BASED ON VACCINATION STATUS** (RICHARDSON T) To prevent expulsion from school and termination from employment based on COVID-19 vaccination status.  
**Current Status:** 11/1/2021 - Introduced  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-477>
- HB481 COVID VACCINE, PASSPORT PROTECTION ACT** (JORDAN K) To enact the COVID-19 Vaccination and Passport Protection Act to prohibit schools, institutions of higher education, employers, and places of public accommodation from requiring COVID-19 vaccines or proof of vaccination.  
**Current Status:** 11/8/2021 - Introduced  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-481>



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- HB489** **INALIENABLE RIGHTS OF CONSCIENCE ACT** (CLICK G) To enact the Inalienable Rights of Conscience Act regarding students and employees who object to certain vaccines and other treatments based on reasons of conscience, including religious convictions.  
*Current Status:* 11/16/2021 - Introduced  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-489>
- HB598** **PROHIBIT ABORTIONS BASED ON CONDITION** (SCHMIDT J) To enact the Human Life Protection Act to prohibit abortions based upon a condition precedent.  
*Current Status:* 5/26/2022 - House Government Oversight, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-598>
- HB704** **DESIGNATE PERSONHOOD FROM CONCEPTION** (CLICK G) To enact The Personhood Act to recognize the personhood of an unborn human individual from conception.  
*Current Status:* 11/15/2022 - Referred to Committee House Government Oversight  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-704>
- HB714** **ADVANCED PRACTICE RESPIRATORY THERAPISTS** (YOUNG T, JOHN M) To license advanced practice respiratory therapists and to amend the version of section 4761.01 of the Revised Code that is scheduled to take effect September 30, 2024, to continue the change on and after that date.  
*Current Status:* 11/15/2022 - Referred to Committee House Health  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-714>
- SB22** **LEGISLATIVE OVERSIGHT-PUBLIC HEALTH ORDERS** (JOHNSON T, MCCOLLEY R) To establish legislative oversight of orders issued by the executive branch, including by establishing the Ohio Health Oversight and Advisory Committee.  
*Current Status:* 3/24/2021 - Consideration of Governor's Veto; House Overrides Veto, Vote 62-35  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-22>



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- SB150**     **NONCOMPETE PROVISIONS-PHYSICIANS** (JOHNSON T, WILLIAMS S) To prohibit the use of noncompete provisions in physician employment contracts.  
*Current Status:* 10/27/2021 - Senate Small Business and Economic Opportunity, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-150>
- SB157**     **ATTEMPTED ABORTIONS** (JOHNSON T, HUFFMAN S) To require reports to be made after a child is born alive following an abortion or attempted abortion, to establish certain civil or criminal penalties for failing to preserve the health or life of such a child, and to make changes regarding variances from written transfer agreements.  
*Current Status:* 12/22/2021 - **SIGNED BY GOVERNOR**; eff. 3/23/22  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-157>
- SB161**     **SURGICAL SMOKE** (BRENNER A) Regarding surgical smoke.  
*Current Status:* 3/16/2022 - Senate Health, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-161>
- SB321**     **REGARDING APRN AUTHORITY** (ROMANCHUK M) Regarding the authority of advanced practice registered nurses, and to amend the versions of sections 3701.5010, 3705.30, and 3929.67 of the Revised Code that are scheduled to take effect on September 30, 2024, to continue the changes to those sections on and after that date.  
*Current Status:* 12/14/2022 - **SUBSTITUTE BILL ACCEPTED**, Senate Health, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-321>
- SB322**     **SEX OFFENSES, MEDICAL PROFESSIONS** (HACKETT R) Regarding sex offenses and individuals regulated by the State Medical Board.  
*Current Status:* 5/18/2022 - Referred to Committee Senate Health  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-322>



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**December 16, 2022**

### **ABORTION**

Senate President Matt Huffman (R-Lima) told reporters Tuesday he didn't expect the General Assembly would pass legislation clarifying the "heartbeat" abortion law during the lame duck session. "I think there are just too many moving parts, too many different opinions as to exactly what that would look like," Huffman said. And it didn't.

Two coalitions of abortion rights groups Monday announced they are forming committees to put constitutional amendments on the ballot to make abortion access explicit in the state as early as 2023. One coalition, Ohioans for Reproductive Freedom, was formed by the ACLU of Ohio, Abortion Fund Ohio, New Voices for Reproductive Justice, Ohio Women's Alliance, Planned Parenthood Advocates of Ohio, Preterm-Cleveland, Pro-Choice Ohio and URGE. The other coalition, Ohio Physicians for Reproductive Rights (OPRR), announced its effort -- dubbed "Protect Choice Ohio" -- and is aiming for the 2023 ballot. Ohioans for Reproductive Freedom said that while a campaign timeline has not been announced, they are prepared to aim for as early as 2023 as the issue possibly contends with HJR6 (Stewart), which would require any proposed constitutional amendment to get 60 percent of the vote in order to pass.

### **AFFORDABLE CARE ACT**

Nearly 3.4 million Americans have selected an Affordable Care Act (ACA) marketplace health plan since the start of the open enrollment period on Nov. 1, according to the U.S. Department of Health and Human Services (HHS). The total represents activity through Nov. 19 (Week 3) for the 33 states using HealthCare.gov and through Nov. 12 (Week 2) for 16 states and the District of Columbia with state-based marketplaces (SBMs), HHS said in a news release. Total plan selections include 655,000 people (19 percent of the total) who are new to the marketplaces for 2023, and 2.7 million people (81 percent) who have active 2022 coverage and returned to their respective marketplaces to renew or select a new plan for 2023. These plan selection numbers represent a 17 percent increase in total plan selections over last year, according to HHS. New customers enrolling on HealthCare.gov are up nearly 40 percent over last year.

### **ATTORNEY GENERAL**

Attorney General Dave Yost has been elected president of the National Association of Attorneys General (NAAG) for 2023, his office announced Monday. The unanimous vote by the association membership took place recently during the NAAG Capital Forum in Washington. "The trust of my colleagues is both gratifying and sobering," Yost said.



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"This is a difficult time for our country, and no less for our institutions. I pledge to lead with humility and courage." He said the association serves an important purpose.

**FY22-23 BUDGET**

The Senate Finance Committee approved legislation providing more than \$6 billion in spending on various programs and projects on Tuesday night, setting the bill up for a floor vote on Wednesday. The money -- most of which comes from federal pandemic relief bills -- was added into tax amnesty bill HB45 (RoemerWest) via one omnibus amendment and two stand-alone amendments. The committee also accepted a sub bill before the amendments were added, with Senate Finance Committee Chair Matt Dolan (R-Chagrin Falls) saying it instructs the Ohio Office of Budget and Management (OBM) director to determine if a tax amnesty program needs to be triggered in in 2023.

Highlights of the omnibus amendment, AM4298, include the following:

- More than \$1.1 billion that Dolan said is "necessary to true up both the Medicaid and the DD line items."
- \$1.75 billion for schools.
- \$161 million for emergency rental assistance.
- \$499 million for federally-funded child care.
- \$749 million will go into the Budget Stabilization Fund, which Dolan said is necessary to meet statutory requirements.
- \$85 million is going to a program to help ensure Ohio has more mental health workers.
- Beginning in 2023, there will be a one-time \$10,000 grant for adoptions to replace the current adoption tax credit. The grant is \$10,000 for most adoptions, \$15,000 for adopting a foster child and \$20,000 for adopting a child with disabilities.
- A one-time \$2,500 higher education grant program will be created for any adopted child in Ohio.
- \$3 million for Ohio parenting and pregnancy programs.
- \$75 million for infrastructure related to the recently-announced Honda project.
- \$250 million for water quality programs.





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- \$90 million for crisis care facilities around the state.
- \$50 million for arts organizations and museums.
- \$150 million for lead mitigation projects.
- \$350 million for skilled nursing facilities.
- \$50 million for the Program of All-Inclusive Care for the Elderly (PACE).
- \$50 million for the Ohio State Fair, and \$4.5 million for county fairs, with each county fair getting \$50,000.

### **CHILDREN/FAMILIES**

The Study Committee on Publicly Funded Child Care and the Step Up to Quality (SUTQ) Program adopted a final report Wednesday recommending further scrutiny of administrative barriers in the child care quality rating system, letting some providers enroll a portion of publicly-funded children without participating in SUTQ, updating funding calculations and taking "urgent action" to get more people into the field. One of the committee co-chairs, Rep. Andrea White (R-Kettering), said the child care issue is important to the workforce, not just today but for future generations, given what the data show about how kindergarten readiness or lack of is associated with third grade reading ability, eighth grade math scores, high school graduation and involvement in the juvenile justice system. "We understand the ramifications of child care and the ripple effect it has," White said. At their final meeting, committee members also discussed then-pending funding supplements and policy changes moving via HB45 (Roemer-West), a tax amnesty bill that became a spending omnibus Tuesday night in the Senate Finance Committee.

### **CRIME AND PUNISHMENT**

On its way to final passage in the General Assembly, criminal justice omnibus SB288 (Manning) picked up two dozen amendments in the House Criminal Justice Committee on Wednesday morning, including the language of distracted driving bill HB283 (Abrams-Lampton), increased penalties for disturbing religious gatherings as proposed in HB504 (Carfagna-Johnson), elder abuse provisions from HB419 (Troy-Seitz) and decriminalization of fentanyl testing strips as in HB456 (Boggs). On the House floor, the bill picked up a further amendment to incorporate child sexual abuse prevention education language from HB105 (Lipps-Kelly).



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The DeWine administration announced \$4 million in federal Violence Against Women Act (VAWA) grants to local governments and nonprofits, including over a half million dollars to 18 recipients in Stark and Summit counties. Administered by the Ohio Department of Public Safety's (DPS) Office of Criminal Justice Services (OCJS), the competitive awards serve victims of domestic violence, dating violence, sexual assault and stalking.

### **ECONOMIC DEVELOPMENT**

The DeWine administration and JobsOhio announced Thursday that Abbott had selected a Bowling Green site for a new manufacturing facility to produce specialty and metabolic powder nutritional products, with an investment of \$536 million and 450 permanent new jobs expected. The facility will expand the domestic supply of essential formulas, some of which serve as the only source of nutrition for people with extreme allergies to most food products and other dietary and metabolic conditions. The project is contingent on the approval of state and local incentives and JobsOhio will also provide assistance once a final agreement is completed

### **EDUCATION**

The push to overhaul K-12 education governance in Ohio during lame duck session fell apart late into the marathon House and Senate sessions on Wednesday and early Thursday morning. The Senate took SB178 (Reineke), which transfers much authority from the State Board of Education to a new Department of Education and Workforce under the governor's control, and inserted it via amendment into HB151 (Jones), a teacher mentoring bill that had become the vehicle for policies to ban transgender girls from girls' school sports. But the House failed to concur with the Senate amendments to HB151, falling a few votes short of the 50 required, with Speaker-elect Derek Merrin (R-Monclova) among conservatives who joined Democrats to oppose concurrence. The House had mounted its own review of SB178 through the week. The sponsor, Sen. Bill Reineke (R-Tiffin), stood for more than an hour of questioning Monday from the House Primary and Secondary Education Committee on his plan to restructure state education governance, addressing concerns about whether he's acting too hastily, whether home schooling families will lose ground and how this new hierarchy would improve performance. The House committee and a several witnesses spoke on SB178 long into the night Tuesday. The meeting was briefly paused after a medical emergency involving Rep. Mary Lightbody (D-Westerville). Roughly two hours into the meeting, Lightbody appeared to briefly faint or nearly faint, according to comments from Rep. Catherine Ingram (D-Cincinnati) at the time. The audience was asked to exit the committee so emergency medical services could help Lightbody, who was later taken to a hospital. At the end of the hearing, which lasted nearly five hours, Ingram said Lightbody was staying overnight at a hospital for observation and was awake and alert. The committee heard



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more testimony Wednesday and recessed to consider potential amendments, but ultimately did not reconvene. The transgender sports restriction bill into which SB178 was amended, HB151, was amended in the Senate Primary and Secondary Education Committee on Wednesday to remove explicit references to the Ohio High School Athletic Association (OHSAA) and specify that birth records used to verify an athlete's sex in the case of a dispute would be the record from the time of the dispute, rather than the time of birth.

In addition to changing transgender sports restrictions in HB151 Wednesday, the Senate Primary and Secondary Education Committee also turned teacher licensure bill HB554 (Lightbody) into an education omnibus with several amendments on K-12 and higher education topics. The committee also amended sexual abuse prevention legislation HB105 (Lipps-Kelly) to include parental opt-outs and prohibit abortion-related organizations from providing materials for the prevention education, but HB105 was instead passed later as an amendment to criminal justice omnibus SB288 (Manning).

After a final round of changes Tuesday, the State Board of Education voted 10-7 with two abstentions to pass the muchdebated resolution opposing the proposed federal Title IX regulations from the Biden administration regarding sex discrimination on the basis of gender identity. Since being introduced by member Brendan Shea this fall, the resolution has generated hours of debate among board members and voluminous public testimony during monthly meetings. The resolution was winnowed down over that time and was further narrowed Tuesday. It no longer has the Ohio Department of Education (ODE) advise local schools that the board views the regulations as unenforceable, and was stripped of language referencing the "objective, scientific fact" of biological sex and stating that "denying the reality of biological sex destroys foundational truths upon which education rests." However, members turned back a further amendment Tuesday that would have removed a requirement for ODE to send a letter to schools noting ongoing legal challenges to the federal regulations, including by Ohio Attorney General Dave Yost.

With lawmakers poised to enact major changes to the job of the state superintendent, the State Board of Education decided Tuesday not to move forward on selecting a search firm to help identify candidates for the role, which has been filled by an interim leader for most of the past year. The Senate had already passed SB178 (Reineke), which would move most duties of the superintendent and State Board of Education to a new Department of Education and Workforce, to be led by a gubernatorial appointee. The board and superintendent would be limited to a subset of their current powers, largely dealing with teacher licensure and conduct cases and school district territory transfers.

The DeWine administration announced final training requirements Monday for K-12 staff approved by school officials to go armed on campus in the event of an active shooter.



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The Ohio School Safety Center's (OSSC) Armed School Staff Essential Training (ASSET) curriculum seeks to comply with HB99, sponsored by Rep. Tom Hall (R-Middletown) and more than three dozen members of the House and Senate and signed by Gov. Mike DeWine in June. The bill allows district school boards and charter school governing bodies to arm designated staff members who complete OSSC training. At the governor's direction, ASSET includes 24 hours of training up front and eight hours annually for recertification, "the maximum number of hours permitted by law," his office said. The curriculum defines required topics, time spent on each, and learning objectives trainees must meet.

### **ELECTIONS**

The House Government Oversight Committee Monday cleared elections bill HB294 (Seitz-Ray) with one change and passed the proposed 60 percent constitutional amendment over objections from Democrats. Rep. D.J. Swearingen (R-Huron) proposed the amendment to HB294, which would restrict the number of ballot drop boxes at board of elections property from three to one. The amendment passed over Democratic objections. However, Swearingen initially said the wrong amendment number, necessitating the bill to be brought back up for reconsideration and corrected before its passage. Both the bill and resolution passed on committee votes of seven to five. No testimony was taken, with Ranking Member Richard Brown (D-Canal Winchester) objecting, saying some witnesses had submitted opposition testimony on Friday and had shown up to testify. Democrats on the panel also sought to ask Swearingen questions about his amendment, but he refused to yield to any questions.

Most Ohioans will need to present a photo ID in order to vote in person under legislation now headed to the governor's desk. In a 24-6 party-line vote, the Senate passed HB458 (Hall), which became a broad elections overhaul bill after first being amended in the Senate Local Government and Elections Committee last week. Republicans said the measure would improve election security and ensure more Ohioans trust the voting process, while Democrats said the bill is aiming to solve problems that don't exist and would make it more difficult for many people to vote. The committee made several more changes to the bill on Tuesday morning, including the following:

- The deadline for absent voters' ballots to be returned and the cure period for provisional and absentee ballots is four days after Election Day.
- The Ohio Secretary of State's Office can conduct absentee ballot application mailings with conditions including a report to the Legislature.
- The six Monday early voting hours will be re-allocated to the previous week.



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- Elections officials can respond to public records requests regarding drop boxes by posting video footage online.
- A U.S. passport or interim license would be added to the list of what counts as voter ID.

The House voted to concur with the Senate changes to HB458 and send the bill on to Gov. Mike DeWine. Rep. Bill Seitz (R-Cincinnati) said they were able to negotiate what he called the most "egregious flaws" of language added by the Senate, especially on drop boxes, which he noted are now specifically permitted under the bill. He also told Democrats that because they opposed the changes strongly instead of working with him, the language is less to their liking, "and frankly, less to my liking," but more to the liking of his Republican colleagues.

### **ELECTIONS 2022**

Ohio Secretary of State Frank LaRose announced certification of Nov. 8 election results Friday, including statewide offices, U.S. Senate and House, the General Assembly, State Board of Education, Ohio Supreme Court and Court of Appeals. Election data provided by LaRose's office noted that 4,201,368 ballots were counted, the second-most for a gubernatorial election year. There was a 94 percent absentee ballot return rate and a 0.4 percent rejection rate. LaRose also reported 423,902 page views for the VoteOhio.gov website from the start of early voting through election day.

### **ENERGY/UTILITIES**

The Senate Energy and Public Utilities Committee Tuesday questioned Public Utilities Commission of Ohio (PUCO) Commissioner Daniel Conway on restoring faith to the state utility regulating authority and his commitment to consumers before approving his reappointment along party lines. Conway told the committee that he takes the mission of PUCO seriously and is working to ensure all customers have access to safe and reliable utility services at fair prices. The full Senate voted Wednesday to confirm Conway's reappointment to the commission.

The Public Utilities Commission of Ohio (PUCO) approved a plan Wednesday to overlay a new area code over the existing 440- telephone exchange surrounding Cleveland.

### **ENVIRONMENT**

The Ohio Air Quality Development Authority (OAQDA) has approved bond financing of up to \$18.5 million for Skyline Cleveland Renaissance, a historic hotel in Cuyahoga County. OAQDA also approved bond financing up to \$3 million for Premier ProduceOne, a wholesale produce supplier located in Columbus.



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### **FEDERAL**

Ohio is joining seven other states to urge U.S. Senate Minority Leader Mitch McConnell (R-KY) to oppose lame-duck changes to the Horseracing Integrity and Safety Act (HISA) passed under the Trump administration, saying "anything other than repealing this ill-advised legislation will only make a bad situation worse." Ohio Attorney General Dave Yost is among eight executors of a letter to McConnell, with Louisiana Attorney General Jeff Landry serving as lead signatory. They point to the U.S. 5th Circuit Court of Appeals' Nov. 18 finding in *National Horsemen's Benevolent & Protective Association v. Black* that HISA, enacted in 2020 as part of a year-end funding continuation bill, is an unconstitutional delegation of federal powers to a private entity. The act authorizes the non-governmental Horseracing Integrity and Safety Authority to regulate horseracing in all 50 states, which previously exercised that power for over 200 years. Louisiana, Oklahoma, and West Virginia have a similar case before the U.S. 6th Circuit in Cincinnati, which heard oral argument on Dec. 7.

### **GAMING/GAMBLING**

Ohio's gambling revenues were higher in November 2022 compared to November 2021, according to the Ohio Casino Control Commission (OCCC) and the Ohio Lottery Commission (OLC). The state's four casinos took in \$78.7 million in November 2022, slightly more than the \$78.1 million they made in November 2021. Ohio's seven racinos pulled in \$105 million in November 2022, up from \$100.7 million in November 2021. Traditional Ohio Lottery ticket sales were \$396.2 million, up from \$341.1 million in November 2021.

Penn Sports Interactive (PSI), more commonly known as "Barstool", has been fined \$250,000 by the Ohio Casino Control Commission (OCCC) for violating a state rule against advertising sports gambling services on a college or university campus.

### **GENERAL ASSEMBLY/STATEHOUSE**

In addition to action on elections bill HB458, the Senate also passed the following pieces of legislation on Tuesday:

- SR259 (Schaffer), which urges Congress and the president to encourage the production of domestic crude oil, natural gas and coal. The resolution was adopted 25-6.
- HB178 (Schmidt-A. Miller), which limits the water pressure at public swimming pools, public spas and special use pools. The bill passed 30-0.



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- HB364 (Patton), which deals with the waterworks infrastructure application. The bill passed 23-8.
- HB405 (Stewart-Johnson), which makes changes to the county hospitals trustees law, allows county coroners to access the Ohio Law Enforcement Gateway, changes procedures when county commissioners make an appointment to a vacant office that had been held by an independent candidate and allows county treasurers to create a system for property owners to receive tax statements electronically. The bill passed 31-0.
- HB423 (Roemer-Young), a name designation bill. The bill passed 30-0.
- HB501 (Hall), which addresses township laws and the local regulation of small solar facilities. The bill passed 29-1.
- SB251 (Schaffer-Maharath), which would allow 14- and 15-year-olds to work until 9 p.m. year-round with their parents' consent. The bill passed 30-0.

House Speaker Bob Cupp (R-Lima) told reporters after Tuesday's session that it is "doubtful" HJR6 (Stewart) will pass in lame duck session – a prediction that ultimately turned out to be accurate. The proposed constitutional amendment would require any constitutional amendments on the ballot to get 60 percent in order to pass. Opponents of the bill loudly protested against the resolution, including in the House chamber at the beginning of session before they were cleared out of the gallery. Cupp said members of his caucus still have questions about the resolution, including how quickly it was introduced and moved through committee, passing out of the House Government Oversight Committee on Monday. On Wednesday, Rep. Brian Stewart (R-Ashville), the sponsor of HJR6, tried to lobby his colleagues for passage Wednesday, citing the prospect of a ballot issue to put abortion rights into the Ohio Constitution, rolling back years' worth of laws passed by successive GOP majorities.

The House split Tuesday on votes on Senate amendments to HB286 (Seitz), which allows appeals of administrative orders to local commons pleas courts, and HB507 (Koehler), an omnibus agriculture bill that the Senate amended to include a provision labeling natural gas as "green energy." Two health care bills were passed by the House. HB572 (Ginter-Carruthers) requires the departments of aging and Medicaid to establish programs to provide payment to residential care facilities that have one or more residents who are assisted living waiver recipients. The bill unanimously passed. The House on Tuesday also passed HB675 (Dean), which prohibits the superintendent of insurance from prohibiting certain forms of solicitation of Medicare supplement plans. Sponsor Rep. Bill Dean (R-Xenia) said current rules would prohibit agents from being able to speak to customers about insurance products. He said it was well-intentioned but led to a government overreach, adding that it bans simple interactions because the government



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things seniors are incapable of telling someone no. The bill passed 65-24, with a number of Democrats voting against it. Also passing by near-unanimous margins were HB645 (Fraizer-Holmes), authorizing the operation of remote dispensing pharmacies; and SB63 (O'Brien), allowing county commissioners to authorize probation departments to accept credit card payments.

At Wednesday's House session, in addition to action on elections bill HB458, the chamber passed, among other bills, SB288 (Manning), a criminal justice omnibus; SB202 (Hackett-Antonio), preventing disability status from being the basis to deny or limit child custody; SB164 (Hottinger-Yuko), regarding animal cruelty; and HB45 (Roemer-West), a \$6 billion spending omnibus; and concurred on amendments to HB513 (Roemer-Cross), which preempts local governments' tobacco and vaping regulations.

Wednesday's Senate session included passage of HB45 (Roemer-West), the \$6 billion spending omnibus, which was amended on the floor to make additional voting law changes. Also passing Wednesday were HB513 (Roemer-Cross), which preempts local tobacco regulations; Hb35 (LaRe-Click), allowing mayors to perform marriages across the state; HB66 (Hoops), a property tax exemption bill; HB107 (Baldrige), regarding elevator laws; HB150 (Hillyer), regarding student loan forgiveness for public defenders and assistant prosecutors; HB254 (Boggs-Abrams), regarding domestic violence fatality review boards; HB279 (Brown-Oelslager), regarding wrongful death claims; HB281 (Jarrells-Young), updating statutory language regarding people with mental illness or disabilities; HB353 (Click-Miranda), regarding religious accommodations at colleges and universities; HB392 (Ferguson-K. Miller), regarding ambulance transport of injured police dogs; HB462 (K. Miller), to prohibit swatting; HB487 (Young), regarding ballot printing; HB504 (Carfagna-Johnson), regarding penalties for disturbing a religious gathering; HB545 (Abrams-Baldrige), regarding testimonial privileges for first responder peer support teams; HB554 (Lightbody-Bird), an education omnibus; HB558 (Roemer-Jordan), regarding donated prescription drugs; HB567 (Stewart-Brown), regarding clerks of courts, notaries and title transfers; HB569 (Holmes-White), regarding the Ohio Hidden Hero Scholarship Program; HB575 (Cutrona), regarding regulation of fraternal benefit society solvency; HB578 (Roemer), a license plate and road and bridge naming bill; and SB148 (Sykes), creating the New African Immigrants Grant and Gift Fund. The chamber also concurred with House changes to SB16 (Schaffer) regarding assault and menacing against an emergency services provider; SB33 (Hottinger-Brenner), regarding college savings plans; SB63 (O'Brien), regarding credit card payments to probation departments; SB131 (Roegner-McColley), regarding occupational licensure; SB164 (Hottinger-Yuko), regarding animal cruelty; SB202 (Hackett-Antonio), regarding parental rights for people with disabilities; SB288 (Manning), a criminal justice omnibus; and SB302 (Hackett-Reineke), regarding unemployment compensation.





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Rep. Mary Lightbody (D-Westerville) Wednesday released the following statement regarding her health following a medical issue Tuesday at the Statehouse: "Tuesday during the House Primary and Secondary Education Committee, I suffered a sudden attack of vertigo. I am at home resting today and feeling much better. Thank you to the staff at OhioHealth Grant Medical Center for their medical attention," said Lightbody. "Thank you to everyone on site at the committee meeting and at the Statehouse who provided immediate assistance. Thank you for everyone who reached out with their well wishes. I expect to be back at work on Thursday."

In other legislative action, House Civil Justice Committee reported out HB339 (Swearingen), regarding wills and powers of attorney; House Finance Committee reported out HB327 (Hillyer), regarding electronic recording instruments; House Health Committee reported out HB198 (Russo-Manchester), regarding insurance coverage for health aids; HB688 (Lipps), regarding digital therapeutics; and HB50 (Miranda), regarding medical identifying devices; House Ways and Means Committee reported out SB235 (Roegner), regarding sales tax exemptions; Senate Financial Institutions and Technology Committee reported out SB211 (Hackett), regarding debt adjusting; and Senate Judiciary Committee reported out HB116 (Baldrige), regarding computer crimes; HB390 (Lanese-John), regarding sexual assault exam kits; and HB556 (Swearingen), regarding nonprofit law.

### GOVERNOR

The governor signed the following bills:

- **SB56 DESIGN CONTRACTS, GOVERNMENT LIABILITY (BLESSING III L)**  
To regulate the use of indemnity provisions in professional design contracts related to public improvements, to modify the definition of "emergency call," to provide for the allocation of damages in certain provisions of the Political Subdivision Sovereign Immunity Law, and to provide a municipal corporation or county immunity from liability in any action arising from a hospital police officer acting in the discharge of duties in specified locations.
- **SB249 REGULATORY SANDBOX-FINANCIAL INDUSTRY (WILSON S)** To create a regulatory sandbox program for novel financial products and services.
- **SB259 VETERANS ADVISORY COMMITTEE MEMBERS (HOAGLAND F)** To add a member of the Paralyzed Veterans of America organization to the Veterans Advisory Committee

Judicial appointments made during the week include the following:



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- Timothy Sterkel as judge of South Euclid Municipal Court, effective Friday, Dec. 16.

### **GUNS**

A Fairfield County judge has granted Attorney General Dave Yost's request for a temporary restraining order preventing Columbus' recently-passed gun ordinances from taking effect. Fairfield County Judge Richard Berens issued a ruling Thursday morning enjoining the ordinances for 14 days. The injunction took effect immediately. About 11,000 of Columbus' approximately 906,000 residents live in Fairfield County.

### **HIGHER EDUCATION**

Richard and Carole Cocks began donating artwork to the Miami University Art Museum in 1983, starting with two dozen pieces of fine porcelain from the 18th and 19th centuries. Several paintings followed. Their recent major financial gift -- kept private but the museum's largest gift ever -- has resulted in the 24,000-square-foot teaching museum being named the Richard and Carole Cocks Art Museum. Richard Cocks, who lost his wife in 2012, called it an honor to have the museum named after them. Miami's art museum houses five galleries of rotating and ongoing exhibitions and a growing permanent collection of more than 17,500 artworks, covering more than 5,000 years of art from around the world. The museum, which is part of CCA, is accredited by the American Alliance of Museums.

Ohio State University is weighing its options after the U.S. 6th Circuit Court of Appeals on Wednesday affirmed its September opinion overturning a federal judge and allowing students and non-students to sue OSU decades after the late Dr. Richard Strauss's sexual abuse of athletes and other young men.

### **HUMAN SERVICES**

Brown County Job and Family Services (JFS) is the first local jurisdiction in the nation to be certified for quality implementation of a national model for families struggling with substance use and child maltreatment. Children and Family Futures (CFF), the national purveyor of the Sobriety Treatment and Reducing Trauma (START) model in nine states and 54 Ohio counties, announced this week that the southern Ohio county is the first in its national network to complete a certification review to become a Certified START Affiliate. Gov. Mike DeWine applauded the Brown County JFS agency, saying in a statement, "We brought Ohio START to Southern Ohio in 2017 when I was attorney general. Since then, many agencies have worked together to keep kids in their homes, prevent child abuse, and get parents treatment so they can be the parents their children need." As attorney general, DeWine launched Ohio START as a pilot project and it has now expanded to 54 counties.



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### JUDICIAL

Former Govs. John Kasich and Bob Taft honored retiring Chief Justice Maureen O'Connor at Friday's official portrait unveiling as Ohio Supreme Court chambers overflowed with colleagues and well-wishers. However, the ceremony was notable not only for those present but also for those absent with two seats on the Court's bench empty as Chief Justice-elect Sharon Kennedy and Justice R. Patrick DeWine were not in attendance. Justice Patrick Fischer did attend along with the Democratic justices. Former Justice Yvette McGee Brown, the first Black woman to sit on the high court, served as master of ceremonies, which honored Ohio's first female chief justice. McGee Brown called the chief "a force dedicated to the rule of law, not just for girls but for all people who believe in justice." Taft praised O'Connor as a "fearless" public servant, drawing on her time as his second-in-command. The chief did recognize Kentucky Chief Justice John Minton, Indiana Chief Justice Loretta Rush and Michigan Chief Justice Bridget Mary McCormack in the chambers. Two of her grandchildren stepped forward to unveil the free-standing portrait: a walnut frame and pedestal enclosing a depiction of O'Connor leaning against the left end of the Supreme Court bench in a black robe, red shoes and gold hoop earrings with clasped hands and a prominent, good-natured smile, as though she were about to speak.

The Ohio Supreme Court has upheld most of state regulators' interpretation of the final energy incentive created by 133- HB6 (Callender-Wilkin) that has not been overturned by the General Assembly, sending Commercial Activity Tax (CAT) language back to the Public Utilities Commission of Ohio for further hearings. Dissenting justices called a major piece of Chief Justice Maureen O'Connor's opinion on solar subsidies a "load of tautological nonsense" and cast shade on the 80- year-old "shibboleth" that commission decisions are presumed to be just and reasonable. The Ohio Manufacturers' Association (OMA) said PUCO had misconstrued the Legislature's intent in approving the \$20 million solar generation fund (SGF) charge reauthorized by HB6-repeal bill HB128 (Hoops-Stein) and collected by each electric utility from all ratepayers. The Ohio Valley Electric Corporation (OVEC) subsidy for legacy coal plants also remains from HB6 but predates the bill as a PUCO-approved charge before gaining statutory authorization.

### LIBRARIES

The State Library of Ohio announced it recently joined the DataOhio Portal with the Ohio Public Libraries and Ohio Public Libraries: Director List dashboards. The DataOhio Portal allows the public to access numerous datasets from state agencies. The new Ohio Public Libraries dashboard contains a list of all public libraries and their branches with information on each library's address, library system, and associated Ohio Senate, Ohio House, and U.S. Congressional districts. The directors of Ohio Public Libraries dataset lists the director (or equivalent) for each of Ohio's public libraries or library system. Each



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entry includes a name, address, phone number, and email, as well as URL for the library's main website.

### **LOCAL GOVERNMENT**

Local regulations of tobacco and vaping like the flavored product ban just enacted in Columbus would be wiped out under a state preemption amendment advanced Tuesday in a Senate committee, according to health care and anti-tobacco groups who objected to the change. Ahead of a vote to pass HB513 (Cross-Roemer), legislation related to refunds of excise taxes on tobacco products for bad debts from product sales, the Senate Ways and Means Committee adopted two amendments. One of them, AM3733, preempts local policies, including "setting or imposing standards, requirements, taxes, fees, assessments or charges of any kind," "lowering or raising an age requirement," and prohibiting employees 18 or older from selling or handling such products. The Campaign for Tobacco-Free Kids, American Cancer Society Cancer Action Network, (ACS CAN) Prevention Tobacco Addiction Foundation, Tobacco 21, American Heart Association and American Lung Association all spoke out or submitted written remarks Tuesday night in opposition to the amendment.

### **MARIJUANA/HEMP**

The Ohio Board of Pharmacy (OBP) on Tuesday awarded the first certificate of operation to a medical marijuana dispensary that applied under the agency's second request for application (RFA II) process. The operating license was awarded to Landing Dispensary, located at 1978 W. 3rd St. in Cleveland. OBP awarded 70 provisional dispensary licenses in May. The other 69 businesses have until February 2023 to be ready for final inspections to potentially receive certificates of operation.

### **NATURAL RESOURCES**

The Ohio Department of Natural Resources (ODNR) has begun outfitting all natural resources and wildlife officers with body cameras, Gov. Mike DeWine and ODNR Director Mary Mertz announced Friday. "Body cameras are becoming an increasingly important piece of technology in all areas of law enforcement," DeWine said in a statement. "These new cameras have the ability to protect natural resources and wildlife officers while also offering transparency to the public." ODNR officers are certified peace officers who are required to enforce all state laws and statutes within their jurisdictions. DeWine directed ODNR to begin the process of outfitting its officers with body cameras last year. Following that directive, ODNR received approval from the Ohio Controlling Board to use \$3.5 million in federal funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act to purchase the new cameras.



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Recognized for their quick thinking and fast action, 12 natural resources officers were recently honored by the Ohio Department of Natural Resources (ODNR) for their life-saving efforts over the past year. ODNR's officers are often the first to arrive on the scene of an emergency at Ohio's state parks, forests, nature preserves, and waterways.

### **OHIO HISTORY**

The Ohio Commission for the U.S. Semiquincentennial, also called America250-Ohio, adopted a new logo Thursday during a meeting held in Dennison, OH. The meeting was the first since the commission released a report earlier this year with more than 40 recommendations for the state's participation in the nation's 250th, or semiquincentennial, anniversary on July 4, 2026. (See *The Hannah Report*, 10/19/22.) The commission is still very early in the planning process. The adoption of the new logo is to establish branding that can be used in 2023, Executive Director Todd Kleismit told Hannah News. The commission is working on building capacity for plans to have events and activities across the state in the lead up to 2026. Of the recommendations in the commission's report, Kleismit said an Ohio Film Festival has "gotten a lot of traction with people."

### **PENSIONS**

Attorney General Dave Yost announced Wednesday that Ohio state pension systems will lead the \$30 billion nationwide lawsuit against Warner Bros. Discovery (WBD). Responding to Yost's request, Judge Valerie Caproni of the U.S. District Court for the Southern District of New York named the Ohio Public Employees Retirement System (OPERS) and State Teachers Retirement System (STRS) lead plaintiffs Monday in the class action targeting WBD, a merger of AT&T subsidiary WarnerMedia and Discovery Inc.

An actuary contracted by the Ohio Retirement Study Council said Thursday he wants to know more about some assumptions the Ohio Police & Fire Pension Fund (OP&F) made in a recent report showing it meets state funding thresholds. William Fornia, who was hired by lawmakers a decade ago to advise on the major 2012 pension reforms and has since won additional contracted work from the council, presented a statutorily required report on the adequacy of contribution rates for funding OP&F. Fornia also presented his firm's actuarial audit of the Highway Patrol Retirement System (HPRS), which found the actuarial calculations used by HPRS were correct but raised concerns about two assumptions: no anticipation of future cost-of-living adjustments (COLA) despite a history of granting them; and a lack of assumed improvement in mortality rates beyond 2025.

### **STATE GOVERNMENT**



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The Joint Committee on Agency Rule Review (JCARR) met Monday for the final time in 2022, with witness and agency testimony given on two items as well as policy to rule discussion. JCARR members also recognized the work of Executive Director Larry Wolpert, who is retiring, and Rules and Technology Administrator Brittney Kneisel, who will be leaving later in the month, as well. The policy to rule discussion revolved around assertions the Ohio Department of Commerce's (DOC) Division of Securities was "using policy instead of rule concerning Real Estate Investment Trusts (REITs)," according to a pre-meeting memo by Wolpert.

The Controlling Board approved 144 of the 146 items on its agenda Monday, with two items being deferred by agency request. All 144 items were approved unanimously. They included requests related to sports gambling, a dental school and federal grants, among others.

### **TOBACCO/SMOKING**

Gov. Mike DeWine is not directly commenting yet on HB513 (Cross-Roemer), a tobacco taxation bill that morphed in the waning days of lame duck session into a state preemption of local tobacco regulation. But his office did note the governor's "long body of work in his career related to tobacco policy." DeWine has embraced stronger tobacco control policies in both state and federal office. He worked to give the FDA regulatory power over tobacco products in the U.S. Senate. As governor, he's urged lawmakers to outlaw flavored vaping products, and his first budget included provisions to increase the age to buy tobacco, e-cigarettes and the like to 21. His line-item vetoes for that budget also included striking an exemption that would have allowed those who turned 18 by the time the new age limit took effect to continue purchasing the products.

### **UNEMPLOYMENT COMPENSATION**

The House Technology and Innovation Committee accepted one amendment to SB302 (Hackett-Reineke) Tuesday that improves the Unemployment Compensation Review Commission (UCRC) appeals process, while tabling seven amendments from Ranking Member Mary Lightbody (D-Westerville). The bill was then reported out on an 11-1 vote of those present with Rep. Mike Skindell (D-Lakewood) opposed.

### **WORKERS' COMPENSATION**

Ohio Bureau of Workers' Compensation (BWC) Administrator/CEO Stephanie McCloud addressed her board of directors a final time Thursday as she prepares to take over as Gov. Mike DeWine's chief of staff on Jan. 1. McCloud said achievements under her watch include the fifth-lowest state insurance rates in the nation. The board also announced the appointment of Actuarial Analysis Director Dan Myers as BWC's new chief actuary, effective Jan. 1. He replaces longtime chief Chris Carlson, who retired in March.